UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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JOHNSON SAFETY, INC.,

Petitioner,

v.

VOXX INTERNATIONAL CORPORATION,

Patent Owner.

_____

Case IPR2016-01070
Patent 7,245,274

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PATENT OWNER'S PRELIMINARY RESPONSE TO PETITION PURSUANT TO 37 C.F.R. §42.107

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EXHIBIT LIST

Exhibit	Description
2001	The New Oxford American Dictionary (Second Edition 2005)

I. INTRODUCTION

Patent Owner Voxx International Corporation ("Voxx" or "Patent Owner") submits this Preliminary Response to the petition (Paper 3, the "Petition") filed on May 19, 2016 by Johnson Safety, Inc. ("Johnson Safety" or "Petitioner"). The Petition challenges claims 1, 5, 6, 7, 9, and 11 (collectively, "the challenged claims") of U.S. Patent No. 7,245,274 ("the '274 patent") on four grounds of alleged unpatentability.

The Patent Trial and Appeal Board should deny the Petitioner's request to institute an *inter partes review* ("IPR") of the '274 patent because the grounds in the Petition do not demonstrate a reasonable likelihood of any of the challenged claims being invalid.

II. OVERVIEW OF THE PETITION

The Petition presents four grounds of alleged unpatentability, those grounds are:

Ground 1: Chang in view of Mathias renders obvious claims 1, 5-7, and 9

Ground 2: Chang in view of Jost and Mathias renders obvious claims 1, 5-7, and 9

Ground 3: Chang in view of Tseng renders obvious claim 11

Ground 4: Swaim in view of Compaq Manual renders obvious claims 1, 5-7, and 9.

III. Claim Construction

For purposes of *inter partes* review "[a] claim in an unexpired patent shall be given its broadest reasonable construction in light of the specification of the patent in which it appears." 37 C.F.R. § 42.100(b); see Pet. 7. However, "[e]ven under the broadest reasonable interpretation, the Board's construction cannot be divorced from the specification and the record evidence, and must be consistent with the one that those

skilled in the art would reach." *Microsoft Corp.V. Proxyconn, Inc.*, 789 F.3d 1292, 1297 (Fed. Cir. 2015). While reserving further discussion of claim construction as may be appropriate for its § 42.120 Patent Owner Response if any trial is instituted, or as may arise in another proceeding, Patent Owner notes here some of Petitioner's violations of these basic principles of claim construction.

A. "coupled" and "an internal headrest support structure" (claim 1)

Claim 1 requires "a base unit coupled to an internal headrest support structure." Petitioner proposes that the term "coupled" should be construed separately from "an internal headrest support structure", and then recombined to mean 'a base unit *connected* to a headrest support structure', irrespective of ***how*** and ***where*** such connection is made, to a headrest support structure, that can be either ***internal*** or ***external*** to a headrest. Pet. 9-11. Such construction is neither supported by the plain and ordinary meaning of the claim terms nor the intrinsic evidence. Under Petitioner's construction, ""a base unit coupled to an *internal* headrest support structure" is broad enough to encompass embodiments that couple media players to headrest support rods by way of straps." Pet. 12. Petitioner's contorted construction is solely for the purpose of eliminating the "internal" limitation and rendering such claim requirement entirely meaningless.

The plain and ordinary meaning of "a base unit coupled to an internal headrest support structure" can be understood by a person ordinary skilled in the art reading the specification. For example, an embodiment shown in FIG. 3C (reproduced below) and in Col. 3, 20-29 of the '274 patent:

> As shown in FIG. 3[C], the docking station **303** is secured in the headrest **102**, and more particularly to an internal headrest support structure **305**. The docking station **303** can be secured by, for example, a catch **401** as shown in FIG. 4A and/or a screw **402** as shown in FIG. 4B.

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